STATUS OF THE CLAIMS

Claims 1-14, 16-20, 23-39, 41-45, and 48-53 were pending in this application. Claims 1-3, 5, 13, 16-18, 26, 38, 41, and 51 have been amended. Claims 27-37, 39, 42-45, 48-50, 52, and 53 have been canceled. Following entry of this amendment, claims 1-14, 16-20, 23-26, 38, 41, and 51 will be pending.

CLAIM OBJECTIONS

Claims 27-37, 39, 42-45, and 48-50 are objected to for reciting the phrase "computer-readable medium" Applicants have cancelled claims 27-37, 39, 42-45, and 48-50.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-8, 13-14, 26-33, 38-39 and 51 are rejected under 35 U.S.C. § 102(e) as being anticipated by Spector Corporate Network Edition 4.0 ("Spector"). Applicants traverse this rejection.

Amended independent claim 1 recites a computer-implemented method for a capture processor to determine an event associated with an application. Specifically, claim 1 recites:

> receiving a plurality of keystrokes associated with an application;
> processing each keystroke to determine an associated action forming **a plurality of associated actions**; and
> determining an event that has occurred, based at least in part on **the plurality of associated actions**.

Thus, a plurality of keystrokes are received, the keystrokes are processed to determine a plurality of associated actions, and an event is determined based at least in part on the plurality of associated actions. For example, assume a user editing a document enters a series of keystrokes, "Ctrl" - "X" - "Ctrl" - "V". These keystrokes can be processed to determine a plurality of associated actions, i.e., a "cut" action ("Ctrl" - "X") followed by a "paste" action ("Ctrl" - "V"). A "cut and paste" event can be determined based at least in part on the plurality of associated

actions. Thus, independent claim 1 recites determining an event that has occurred, based at least in part on **a plurality of associated actions**, where the plurality of associated actions are determined by processing keystrokes.

Spector does not teach or suggest determining an event based at least in part on a plurality of associated actions, where the plurality of associated actions are determined by processing keystrokes. Spector discloses a software application that can be used to monitor activity performed on a computer. For example, Spector can record keystrokes from specific applications, capture incoming and outgoing emails, and record URLs visited by users. In addition, Spector can capture periodic "snapshots" that store an image of what the user was seeing at the time of capture.

For keystroke recording, an administrator specifies one or more programs of interest. Spector then records all keystrokes typed on the computer when a window from a specified program has the focus. For each window, Spector records all keystrokes typed in the window, the time period in which the keystrokes were typed, and related information. Spector refers to each recorded item of information (e.g., each keystroke) as an "event."

However, Spector at least does not determine an event based at least in part on a plurality of associated actions as claimed. In rejecting claim 1, the Examiner cites to the "snapshot" feature described on page 2 of Spector as disclosing this element. In addition, the Examiner states that "snapshot events will provide a graphic detail of what the computer user was seeing." However, the snapshot feature is merely an image of a computer screen. It is not determined based at least in part based on a plurality of associated actions that are themselves determined as a result of processing keystrokes. Therefore, the snapshot feature does not anticipate this claim element. Accordingly, Applicants respectfully submit that claim 1 is not anticipated by Spector. Claims 26 and 51 are not anticipated for at least the same reasons.

In the "Response to Arguments" section of the Final Rejection, the Examiner expands upon the reasons for rejecting claim 1 based on Spector. Office Action mailed June 12, 2008, paragraph 11. Specifically, the Examiner discusses how Spector teaches limiting recording to only applications that have focus and how Spector uses executable file names to identify target windows to record. However, this argument appears to be lifted from portions of an Office Action issued by the Examiner in another application, and has no apparent relationship to the claim at issue in the current application. *See* Office Action mailed March 18, 2008, for application no. 11/051,317, page 19. The Examiner has never explained why a snapshot that shows a graphical screen image anticipates the "determining an event" claim element.

Claim 13 recites:

> determining an event that has occurred, based on user input comprising a plurality of keystrokes associated with an application;
> determining an importance of the event; and
> **selectively indexing the event** responsive to the importance of the event.

An event that has occurred is determined based on user input comprising a plurality of keystrokes associated with an application. The importance of the event is determined, and the event is selectively indexed responsive to its importance. For example, an event such as loading or saving a file can be determined important enough to merit indexing, while an event such as selecting a portion of text in an article can be determined not important enough to index.

At the least, Spector does not selectively index an event responsive to its importance. In rejecting claim 13, the Examiner states that Spector discloses the selective indexing at page 2, lines 5-6. This portion of the reference describes how Spector's "events" are stored as individual records. While these records can be searched, sorted, and summarized, Spector never discloses or suggests that these events are indexed. In addition, Spector does not disclose selectively storing (or indexing) an event as claimed. Spector uses the term "event" to refer to recorded

items of information. Thus, every event is Spector is by definition recorded (or indexed).

Spector does not selectively index events responsive to the events' importance.

In the "Response to Arguments" section of the Final Rejection, the Examiner argues that

the applications selected for recording by the administrator are de facto "important" and thus

Spector determines the importance of an event by merely recording it. However, this

interpretation does not align with the plain language of the claim. If an application is not

selected for recording in Spector, then Spector's software simply would not record the

keystrokes for that application. Accordingly, Spector would not determine an event or its

importance, or selectively index it. Conversely, for applications selected for recording, Spector's

software simply records all keystrokes to windows of those applications; no selective indexing

takes place. Accordingly, Applicants respectfully submit that independent claim 13 is not

anticipated by Spector. Independent claim 38 is not anticipated for at least the same reasons.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 9-12 and 34-37 and 52 are rejected under 35 U.S.C. § 103(a) as being

unpatentable over Spector in view of Cason et al. (U.S. Patent No. 4,410,957). Claims 16-20,

23-25, 41-45, 48-50 and 53 are rejected under § 103(a) as being unpatentable over Spector in

view of Jade et al. (U.S. Pub. No. 2003/0001854). Applicants respectfully traverse these

rejections as applied to the amended claims.

Cason and Jade do not remedy the deficiencies of Spector. Cason discloses a keyboard

access system for interfacing a keyboard and the programs of a text processing machine. Cason

does not teach or suggest processing keystrokes to determine a plurality of associated actions or

determining an event based on a plurality of associated actions. Likewise, Cason does not teach

or suggest selectively indexing an event response to its importance.

Jade discloses a mechanism for capturing one or more graphics primitives drawn to a user interface by an executing application. Like Cason, Jade does not teach or suggest processing keystrokes to determine a plurality of associated actions, determining an event based on a plurality of associated actions, or selectively indexing an event response to its importance.

Thus, Spector, Cason, and Jade, either alone or in the combinations suggested by the Examiner, do not teach or suggest every element of independent claims 1 and 13. Independent claim 26 recites elements similar to claim 1, and is therefore not rendered obvious for at least the same reasons as claim 1. Likewise, independent claims 16 and 41 recite elements similar to claim 13, and are therefore not rendered obvious for at least the same reasons as claim 13.

Accordingly, Applicants respectfully submit that the cited references do not teach or suggest every element of the independent claims. Therefore, a person of ordinary skill in the art would considering the references either individually or in combination would not find the claimed invention obvious. The dependent claims not mentioned above incorporate the elements of their base claims and are therefore not obvious for at least the same reasons.

CONCLUSION

Based on the foregoing, Applicants request that the rejections of the pending claims be withdrawn and the application be allowed. The Examiner is invited to contact the undersigned by telephone to advance the prosecution of this application.

Respectfully submitted,

Dated: <u>October 14, 2008</u>   By: <u>/Brian Hoffman/</u>

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